IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

SUMMONS FOR JUDGMENT NO.115 OF 2007
IN
SUMMARY SUIT NO.841 OF 2006

John Peter Lewes ..Plaintiff.
Vs.
Bishwanath Chatterjee ..Defendant.

...

Mr. J.P. Dube for the Plaintiff.
Mr. J.P. Singh for the Defendant.

....

CORAM: **DR. D.Y. CHANDRACHUD, J.**

23rd April, 2007.

P.C. :

1. The Suit under Order 37 of the Code of Civil Procedure, 1908 has been instituted to recover an amount of Rs.6,20,000/- advanced by the Plaintiff to the Defendant. The Defendant issued four cheques dated 18th April and 29th April, 2005 and 10th May and 16th May, 2005 in the total amount of Rs.6,20,000/- towards repayment. The cheques were dishonoured on presentation. A letter of demand was returned back as unclaimed. On the previous occasion, the Defendant had sought an adjournment to file a reply.

Counsel appearing for the Defendant states that despite a communication to the Defendant, no instructions have been received and hence, no reply has been filed.

2. Counsel appearing for the Plaintiff has tendered a compilation of the original documents which is taken on the record. The claim in the Suit has been duly established on the basis thereof. In any event there being no reply to the Summons for Judgment, the Plaintiff would be entitled to a decree as prayed. The Suit shall accordingly stand decreed in terms of prayer clauses (a) and (b).

3. The original documents shall be returned back to the Plaintiff's advocate against tendering of photocopies and upon due verification by the registry.